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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,065	07/13/2000	Norman Understein	2802-5 (AMK)	7218
23117 7590 10/16/2012 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER GREENE, DANIEL LAWSON	
			ART UNIT 3667	PAPER NUMBER
			NOTIFICATION DATE 10/16/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/617,065	Applicant(s) UNDERSTEIN, NORMAN	
	Examiner DANIEL L. GREENE	Art Unit 3667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-8 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-8 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

1. Applicant's 12/9/2011 response to the previous 9/16/2011 Office action has been considered and entered.
2. Claims 1-8 are pending and have been examined on the merits as set forth below.
3. The earliest effective filing date is May 10, 1999 (19990510).

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/9/2011 has been entered.

Response to Arguments

5. Applicant's arguments filed 12/9/2011, with respect to the 35 USC 103 rejection set forth in sections 8 and 9 of said previous Office action have been fully considered and are persuasive. Accordingly said rejections are withdrawn. However upon further consideration and search a new rejection is made as set forth below.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent 5,802,499 to Sampson et al. (Sampson).

Regarding claim 1 Sampson teaches in, for example, Column 11 a method of qualifying a participant (in line 10, GCSS (Global Credit Support System) “customer”) over a global network in a transaction requiring a transfer of funds from the participant using a qualifying system, the method comprising:

(a) the participant establishing a consumer funding account by depositing funds in the consumer funding account, the consumer funding account to be administered by the qualifying system in Col. 11 lines 10-26 “Each GCSS customer opens a GCSS account and transfers...assets...”;

(b) the participant accessing the qualifying system and entering a transaction requiring a transfer of funds from the participant(customer) to a vendor (counterparty) in Col. 11, line 16-20 “...using the GUI...each customer...and its counterparty...creates a credit support agreement report,,,”;

(c) the qualifying system reserving a portion of the funds deposited in the consumer funding account according to a transaction parameter determined by at least one of the qualifying system, the participant or the vendor in Col. 81 lines 34-48 wherein it is understood that eligible securities connote the claimed reserved portion and in line 50+ the customer establishes a preference table to indicate the rank order those assets they would deliver if necessary,

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the reserving step being practiced without the participant providing the funds or any instrument of the funds to the vendor in Col. 81 because the funds/assets are held in the Omnibus account until settlement or until necessary to cover the exposure, and

wherein an available balance in the consumer funding account consists of an amount of unreserved funds from the funds deposited in the consumer funding account in for example, Col. 84, lines 62+ “securities/cash...which are not in use; and

(d) the qualifying system qualifying the participant for the transaction if the consumer funding account satisfies conditions of the transaction parameter in Col. 83, lines 20+ wherein the credit exposures are covered.

Regarding claim 2 and the limitation wherein the transaction parameter is a required deposit see for example, Col. 84 lines 34+ wherein a “margin call” and a shortfall notification connotes a required deposit.

Regarding claim 3 and the limitation wherein the transaction parameter is an amount of funds required to complete the transaction see Columns 83 and 84 wherein the shortfall must be relieved by an amount of funds required to cover the credit exposure.

Regarding claim 4 Sampson teaches in the rejection of corresponding parts of claim 1 above a method of qualifying a participant over a global network in a transaction requiring a transfer of funds from the participant using a qualifying system, the method comprising:

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(a) the participant accessing the qualifying system and establishing a consumer funding account by depositing funds in the consumer funding account, the consumer funding account to be administered by the qualifying system;

(b) the participant entering a transaction requiring a transfer of funds from the participant to a vendor;

(c) the qualifying system reserving a portion of the consumer funding account according to a transaction parameter determined by at least one of the qualifying system, the participant or the vendor,

wherein step (c) is practiced by reserving a first portion of the funds deposited in the consumer funding account corresponding to a required deposit and reserving a second portion of the funds deposited in the consumer funding account corresponding to an amount of funds required to complete the transaction in for example, Col. 11, lines 10+ wherein the customer is required to provide assets to its counterparty to cover outstanding credit exposure based upon the size of the credit exposure and the required deposit is that necessary to satisfy the margin call and the second portion is required when the Asset Movement Optimization Model is run as set forth in Col. 84,

wherein an available balance in the consumer funding account consists of an amount of unreserved funds from the funds deposited in the consumer funding account; and

(d) the qualifying system qualifying the participant for the transaction if the consumer funding account satisfies conditions of the transaction parameter.

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Regarding claim 5 and the limitation further comprising releasing the reserved portion of the consumer funding account when the transaction is completed see Col. 85 wherein at the reserved portion is released to fulfill the credit exposure.

Regarding claim 6 and the limitation the method according to claim 1, wherein step (c) is practiced by querying a network website server that maintains the consumer funding account see Figure 1.

Regarding claim 7 Sampson teaches a computer system in Figure 1 and associated descriptive texts for effecting qualifying of a participant over a global network in a transaction requiring a transfer of funds from the participant to a vendor, the computer system comprising:

at least one user computer running a computer program that requests information according to a transaction inquiry input by the participant; and

a system server running a server program, the at least one user computer and the system server being interconnected by a computer network, upon access to the system server by the participant, the system server determining whether the participant has established a consumer funding account by depositing funds in the consumer funding account, and if the participant has established the consumer funding account, the system server reserving a portion of the funds deposited in the consumer funding account according to a transaction parameter determined by at least one of the system server, the

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participant or the vendor, the system server reserving the portion of the funds without the participant providing the funds or any instrument of the funds to the vendor,

wherein the system server administers the consumer funding account,

wherein an available balance in the consumer funding account consists of an amount of unreserved funds from the funds deposited in the consumer funding account, and

wherein the system server qualifies the participant for the transaction if the consumer funding account satisfies conditions of the transaction parameter in the rejection of corresponding parts of claim 1 above.

Regarding claim 8 Sampson teaches a non-transitory computer-readable medium programmed for qualifying a participant via a qualifying system over a global network in a transaction requiring a transfer of funds from the participant, the non-transitory computer-readable medium comprising:

means for the participant to establish a consumer funding account by depositing funds in the consumer funding account, the consumer funding account to be administered by the qualifying system;

means for the participant to access the qualifying system and to enter a transaction requiring a transfer of funds from the participant to a vendor;

means for the qualifying system to reserve a portion of the funds deposited in the consumer funding account without the participant providing the funds or any instrument

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of the funds to the vendor, according to a transaction parameter determined by at least one of the qualifying system, the participant or the vendor,

wherein an available balance in the consumer funding account consists of an amount of unreserved funds from the funds deposited in the consumer funding account; and

means for the qualifying system to qualify the participant for the transaction if the consumer funding account satisfies conditions of the transaction parameter in the rejection of corresponding parts of claim 1 above, Col. 8 line 53 through Col. 10 line 65 wherein computers, memory and databases are set forth which connote the claimed non-transitory computer readable medium .

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL L. GREENE whose telephone number is (571)272-6876. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L. G./
Examiner, Art Unit 3667
20121009

/Mary Cheung/
Primary Examiner, Art Unit 3667